

REMARKS

The applicant and his attorney have carefully reviewed the Office Action and offer the forgoing amendments and the following remarks in response thereto. The amendments to the independent claims are intended to clarify the structural difference and the importance thereof between the claimed invention and prior art of record. Specifically the distinctive shape of the applicant's device provides both enhanced gas flow through the absorbent material and a lowered profile on the diver's body so that the device is less cumbersome and the diver may more readily move about with out hindrance from the rebreather device. Specifically the canister having an oval or elliptical cross section projects less from the body of the diver then the prior art cylindrical canister known in the prior art.

The claims were rejected either under section 102 or 103 citing the Kanwisher at el. patent. The Examiner has stated that the Kanwisher patent has a canister with a cross sectional shape selected from the group of shapes consisting of an oval and ellipse. The Kanwisher patent does not disclose a shape other that cylindrical. One of ordinary skill in the art would not have been drawn to modify the cylindrical canister shown in Kanwisher to achieve the beneficial results the applicant has found in the device which does have a cross sectional shape selected from the group of shapes consisting of an oval and ellipse. This unobvious modification to the canister provides augmented gas treatment cross section flow areas while limiting the protrusion of the canister outwardly from the diver's body. Specifically, the Kanwisher disclosure of the shape of the canister in figure 2 is found at column 8 lines 48 – 66 where it is stated that canister section 14 is held in an assembled relationship by rods 68 with chamber 49. At column 8 lines 64 – 66 it is stated “As will be seen, the walls of chamber 49 are merely as provided by a

cylindrical or tubular section seen denoted at numeral 76". There is no reference at any other location in the Kanwisher patent to the shape of the canister. Since chamber 49 as seen in figure 2 is cylindrical the balance of the canister 14 similarly is cylindrical. There is no disclosure in the drawing of any modification from the cylindrical shape at element 49 down through the canister wall 14 to chamber 38. To reinforce the fact that the canister is disclosed as cylindrical, a spring element 70 is shown in section without any indication of it being other than a generally cylindrical spiral configuration. The walls of chamber 38 thus are cylindrical and since there is no showing of a change in the configuration of wall 14, the canister section would be shown to one ordinary skill in the art to be cylindrical. There is no disclosure of any sort in the Kanwisher reference to draw one of ordinary skill in the art to modify the cylindrical chamber 49 and canister section 14. Thus the Kanwisher reference fails under section 102 to disclose the applicant's invention. It should also be noticed that the Kanwisher reference does not teach radial flow of the gases through the absorbent material, but rather causes gases to flow longitudinally. The applicant's unique canister having an elliptical or oval structure in cross section provides a significant improvement in the operation of the device and its use by a diver. The area for flow of the radially projecting gases is substantially increased over a comparable cylindrical canister. Not only does this provide the diver with enhance absorption of unwanted gases but also provides a device which projects less outwardly from his body thus resulting in enhanced operability in the diving environs.

Claims 4, 8, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kanwisher. The comments set forth above concerning the disclosure of Kanwisher as providing a cylindrical instead of an oval or elliptical cross section of repeated as is fully set forth. Since all of the claims rejected under section 103 provide a canister configuration not disclosed nor suggested by the prior art it is believed that all claims rejected under 35 U.S.C 103 should be found allowable.

The applicant is filing drawings herewith believed to be in full compliance with the Examiner's comments and in compliance with 37CFR 1.12(d).

The applicant believes the claims as amended are patentable over the prior art of record, particularly in view of no disclosure of the claimed oval or elliptical configuration for the gas scrubber canister.

Should the Examiner find that in the matters remain for resolution she is respectfully urged to contact the undersigned by telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Garrison". The signature is fluid and cursive, with a long horizontal stroke at the end.

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